



COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

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**MEMORANDUM**

TO: All Parties to D.T.E. 98-57 Phase IV

FROM: Jesse S. Reyes, Hearing Officer

RE: Request for Further Comments on Joint Petition for Approval of Settlement Agreement

DATE: January 7, 2002

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On December 21, 2001, Verizon New England, Inc. d/b/a/ Verizon Massachusetts ("Verizon"), Sprint Communications Company, L.P. ("Sprint"), and Covad Communications Company ("Covad") (collectively, "Joint Petitioners") filed with the Department of Telecommunications and Energy ("Department") a Joint Petition for Approval of Settlement Agreement concerning collocation power issues and revising Verizon's collocation tariff, M.D.T.E. No. 17, under review in D.T.E 98-57 Phase IV.

The Department requests that the Joint Petitioners provide further comments on the following questions arising from the proposed tariff revisions:

1. The Joint Petitioners have suggested that the Department should designate the "Universal Telephone Assistance Plan" as the fund that should receive some of proceeds of the penalties outlined in the tariff. The Department is unaware of any such fund by that name established within the Commonwealth of Massachusetts. Please describe the intended fund in further detail, if such exists in Massachusetts.
2. The proposed tariff refers to permitting recourse through "the Commission's Abbreviated Dispute Resolution Process (ADRP)" in the event that a CLEC disagrees with the results of a power audit. Settlement Agreement, exh. 1, Proposed

M.D.T.E. 17, Part E, § 2.3.5E.3.f). The Department's dispute resolution process applicable to such disputes would be the "Accelerated Docket for Disputes Involving Competing Telecommunications Carriers," 220 C.M.R. § 15.00 et seq. Therefore, § 2.3.5E.5 may be inapplicable in the Massachusetts tariff, because the Accelerated Docket always results in an order by the Department if the parties do not resolve their disputes prior to the conclusion of the proceedings. See 220 C.M.R. § 15.09.

Given the foregoing, please comment whether revising the proposed Massachusetts tariff language to reflect the Department's dispute resolution process and striking § 2.3.5E.5 would constitute a material change. If this is a material change to the terms agreed upon by the Joint Petitioners, please describe in further detail the intended effect of the original proposed language.

The hearing officer requests comments on these questions by **January 14, 2002**. Please contact Jesse S. Reyes at (617) 305-3735 should you have any questions.